

IN RE: PETITION FOR ZONING VARIANCE
E/S Handy Avenue, 175 ft. N
of Pearl Road
1105 Handy Avenue
1st Election District
1st Councilmanic District
Richard E. Robinson, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-279-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a buildable lot with a width of 50 ft. in lieu of the minimum required 55 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner, Richard E. Robinson, appeared and testified. Also appearing on behalf of the Petition were Abiodun Shomaiya and Gene Hutchinson. Appearing as Protestants were Thomas Christian Jr. and Jerome Huston.

Testimony indicated that the subject property known as 1105 Handy Avenue, lot 107, consists of .1722 acres +/-, zoned D.R.5.5 and is currently unimproved.

Mr. Robinson testified that approximately 10 years ago he purchased lot No. 107 and adjoining lot No. 108 and is desirous of constructing two two-story single family dwellings on each of the lots (lot 108 addressed in case No. 91-261-A), as indicated on Petitioners' Exhibit No. 1.

Thomas Christian, Jr. testified regarding his concerns in protecting the architectural and esthetic makeup of the existing neighborhood. He requested that the required setbacks be strictly enforced.

Jerome Huston testified that he lives on lot No. 106 and that he would like the required setbacks to be strictly enforced. He essentially concurred with the testimony of Mr. Christian.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular par-

cel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of February 1991 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a buildable lot with a width of 50 ft. in lieu of the minimum required 55 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH/mm
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 26, 1991

Mr. and Mrs. Richard E. Robinson
3217 Carlisle Avenue
Baltimore, Maryland 21216

RE: Petition for Zoning Variance
Case No. 91-279-A
1105 Handy Avenue

Dear Mr. and Mrs. Robinson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mm
encl.
cc: Peoples Counsel
cc: Mr. James Christian, Jr.
cc: Mr. Jerome E. Huston

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-279-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto, hereby petition for a Variance from Section 1802.3.C.1 To allow a buildable lot with a width of 50 ft. in lieu of the required minimum 55 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

HARDSHIP:
OWNER DESIRS TO REDUCE TWO FAMILIES HAS INVESTED ALL EFFORTS AND RESOURCES INTO THIS PROPERTY BASED ON ABILITY TO PUT UP TWO DWELLINGS. IF VARIANCE NOT GRANTED ONE FAMILY WILL BE IN SERIOUS HARDSHIP.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
Richard E. Robinson
(Type or Print Name)

Signature: Richard E. Robinson
(Type or Print Name)

Address: 3217 Carlisle Ave
City and State: Baltimore, MD

Attorney for Petitioner: 444-327-6119
(Type or Print Name) 383-1291
Address: Baltimore, MD

Signature: J. Robert Haines
City and State: Baltimore, MD

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address: Name: City and State: Phone No.

Attorney's Telephone No.: Address: Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 19 day

of DEC 19 90 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 15 day of Feb 19 91, at 2 o'clock

ESTIMATED LENGTH OF HEARING - 1/2 HR. + 15 MIN.
AVAILABLE FOR HEARING
MON., TUES., WED., - NEXT TWO MONTHS

ALL OTHERS
REVIEWED BY: DATE 11-23-90 (over)

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE EAST SIDE OF HANDY AVENUE WHICH IS 40' WIDE AT THE DISTANCE OF 112.5' NORTH OF THE CENTER LINE OF THE NEAREST IMPROVED INTERSECTING STREET BEING PEARL RD WHICH IS 25' WIDE. BEING LOT #107, IN THE SUBDIVISION OF DOUGLAS PARK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #7, FOLIO #170, CONTAINING 7,500 SQ FT (0.1722 ACRES). ALSO KNOWN AS 1105 HANDY AVE AND LOCATED IN THE #1 ELECTION DISTRICT.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: January 24, 1991
Posted for: Variance
Petitioner: Richard E. Robinson, et ux
Location of property: E/S Handy Avenue, 112.5' N of Pearl Road
1105 Handy Avenue
Location of Signs: East side of Handy Avenue in front of 1105 Handy Avenue
Remarks: S. J. Haines
Posted by: S. J. Haines Date of return: January 25, 1991
Number of Signs: 1

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, in accordance with the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on February 19, 1991 at 2:00 p.m.
Case number: 91-279-A
E/S Handy Avenue, 112.5' N of Pearl Road
1105 Handy Avenue
1st Election District
Petitioner(s): Richard E. Robinson, et ux
Hearing Date: Friday, Feb. 15, 1991 at 2:00 p.m.
Variance to allow a buildable lot with a width of 50 ft. in lieu of the required minimum 55 ft.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CAT101000 Jan 24

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-24, 1991.

CATONSVILLE TIMES

S. Zeke Olin
Publisher

\$ 53.07

CERTIFICATE OF PUBLICATION

TOWSON, MD. 1-25, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-24, 1991.

THE JEFFERSONIAN.

S. Zeke Olin
Publisher

\$ 53.07

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: N. 3952

receipt

Date: 1/23/91

PUBLIC HEARINGS FEES: \$35.00

0440440058MCHRC
BA 2010440411-23-90

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 91-279

receipt

Date: 1/23/91

PUBLIC HEARINGS FEES: \$78.07

0440440058MCHRC
BA 2010440411-23-90

Please Make Checks Payable To: Baltimore County

Counter Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

January 18, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-279-A
E/S Handy Avenue, 112.5' N of c/l Pearl Road
1105 Handy Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Richard E. Robinson, et ux
HEARING: FRIDAY, FEBRUARY 15, 1991 at 2:00 p.m.

Variance to allow a buildable lot with a width of 50 ft., in lieu of the required minimum 55 ft.

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Richard E. Robinson

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

DATE: 2-8-91

Richard E. Robinson
3217 Carlele Avenue
Baltimore, Maryland 21216

RE:

Case Number: 91-279-A
E/S Handy Avenue, 112.5' N of c/l Pearl Road
1105 Handy Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Richard E. Robinson, et ux
HEARING: FRIDAY, FEBRUARY 15, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 78.07 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please pay your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
Zoning Commissioner
BALTIMORE COUNTY, MARYLAND

JRH:ga

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

February 6, 1991

Mr. & Mrs. Richard E. Robinson
3217 Carlele Avenue
Baltimore, MD 21216

RE: Item No. 216, Case No. 91-279-A
Petitioner: Richard E. Robinson, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Robinson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

Your petition has been received and accepted for filing this 9th day of December, 1990.

J. Robert Haines
Zoning Commissioner

Received By: James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard E. Robinson
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 25, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Richard E. Robinson, Item No. 216

The petitioner is requesting a Variance to permit a 50 ft. width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

received
1/28/91

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204 887-3554
Fax 887-5784

January 8, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 216, 217, 218, 220, 223, 227 and 229.

Very truly yours,
Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
JAN 9 1991
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

DECEMBER 13, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD E. ROBINSON
Location: #1105 HANDY AVENUE
Item No.: 216 Zoning Agenda: DECEMBER 18, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. David Kelly, 12-13-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
12/14/90

received
2/13/90

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE,
 NEWPORT AND 21204 - PHONE - 887-3900.

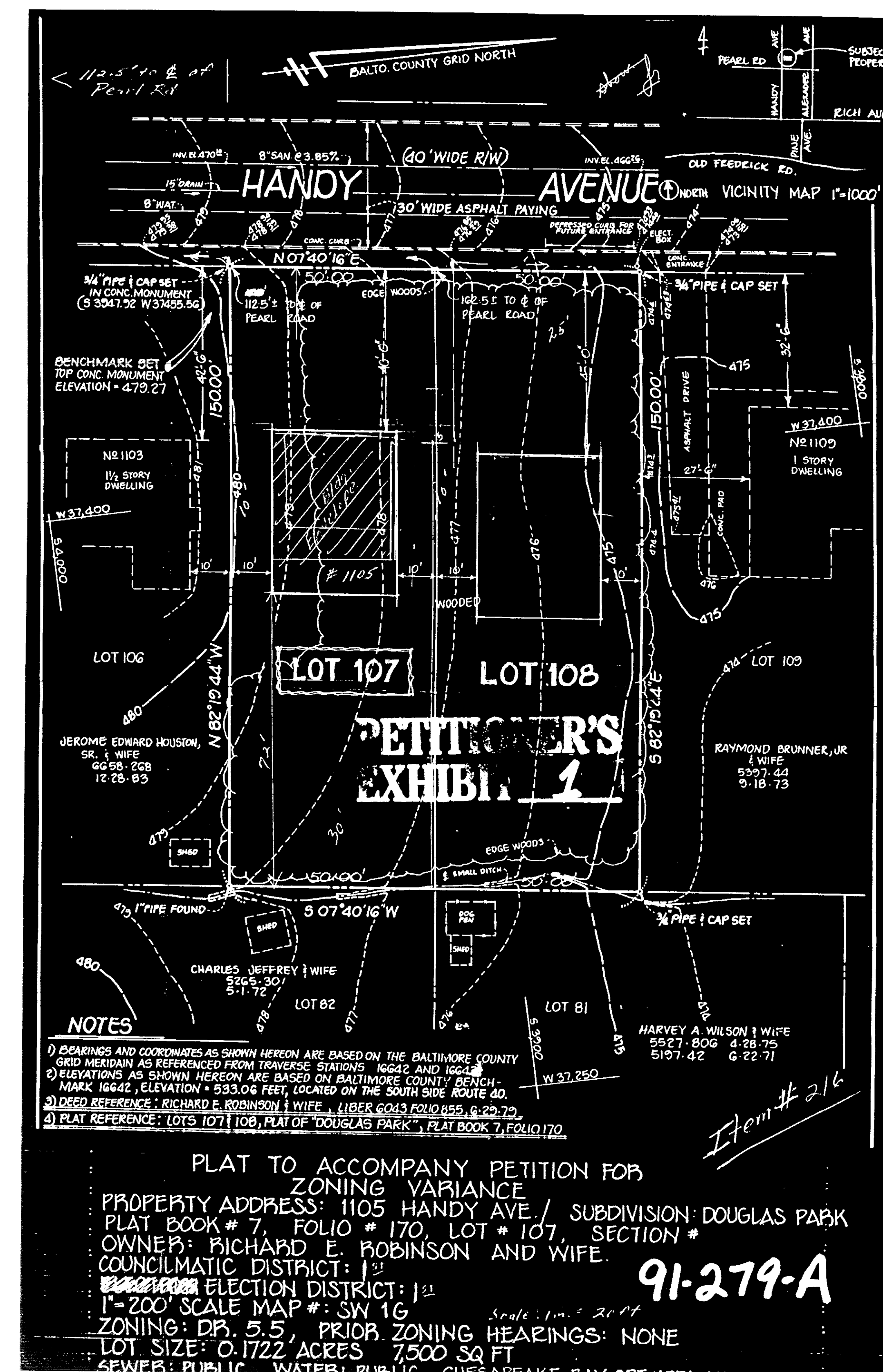
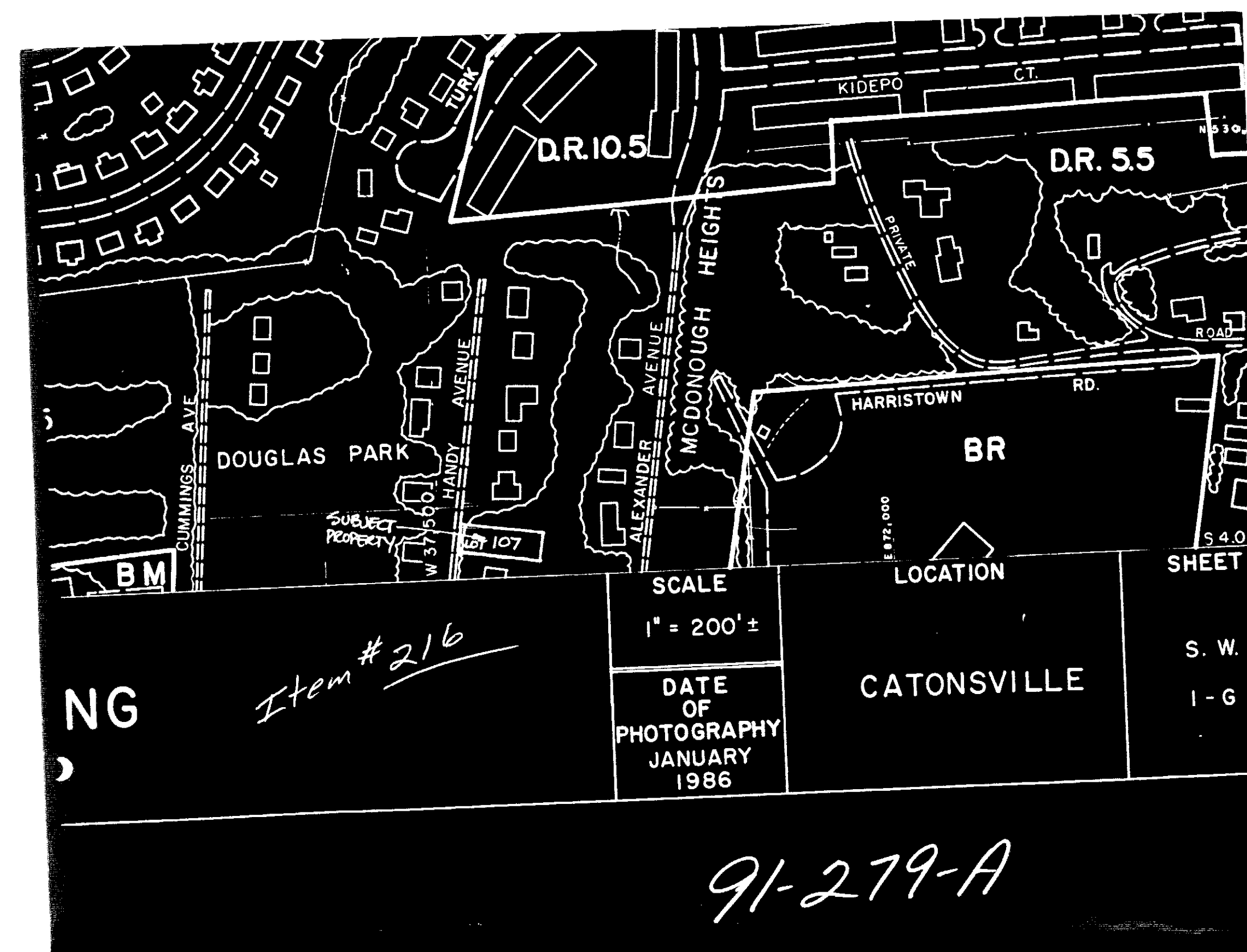
THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88

For Item 228, the previous County Review Group comments are applicable.

Robert W. Bowling
ROBERT W. BOWLING, P. E., Chief
Developers Engineering Division

RWP: 33



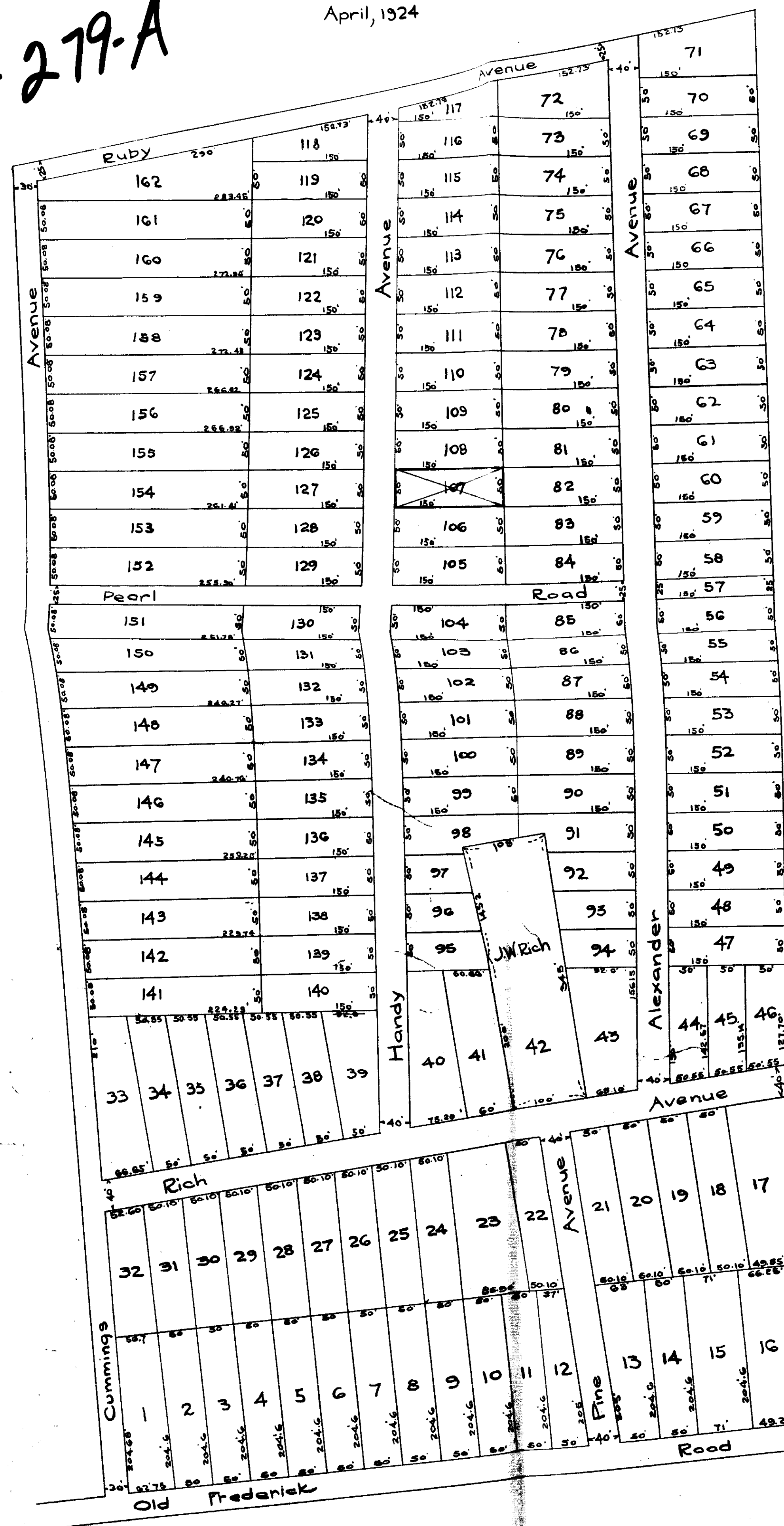
Item #216

DOUGLAS PARK

SCALE, 100 FT PER IN
Thos. H. Disney, Surveyor
April, 1924

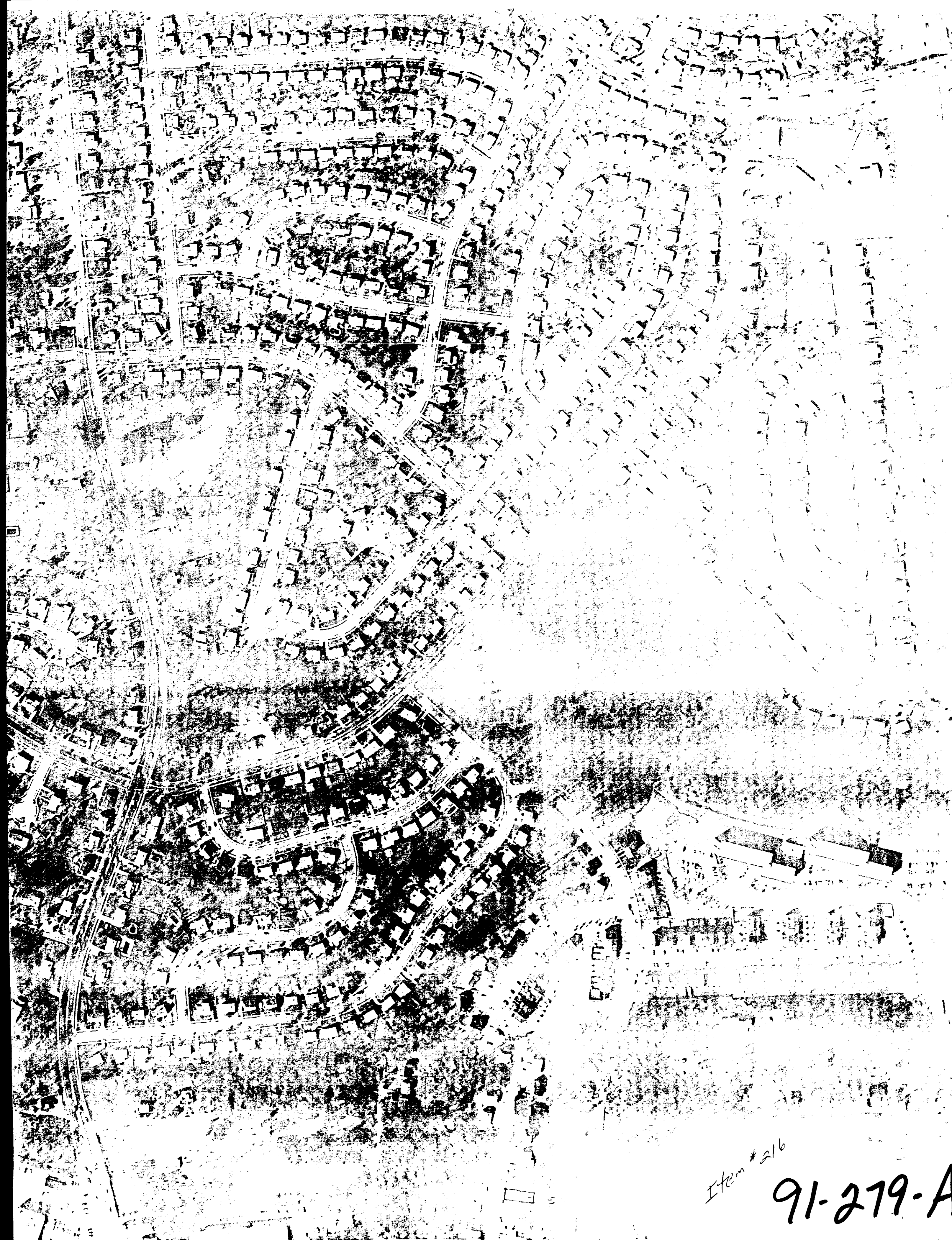
Received for Record
Dec 28, 1924 at 3:42
same day recorded in Liber
W. P. C. No. 7 folio 169
One of the Records of
Baltimore County and exam-
ined, per
clerk

91-279-A



PETITIONER'S
EXHIBIT 2

91-279A



Item #216
91-279-A

SCALE
1" = 200' ±

LOCATION
CATONSVILLE

SHEET
SW.
1-G

DATE
OF
PHOTOGRAPHY
JANUARY
1986

DRE COUNTY
ANNING AND ZONING
GRAPHIC MAP